IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 865 OF 2006

1. Naushad Konath
2. Ajit Bapu Satam ..Petitioners
versus
State of Maharashtra ..Respondents

None for the Petitioners.

Mrs. A. S. Pai, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE, JJ.

DATE : 11TH JULY, 2006

P.C. :

1. None for the petitioners. Heard learned APP for the State.

2. FIR is registered against the petitioners, copy of the same is annexed to the Petition. We have perused the same. The offences are registered under Sections 454, 457 and 380 of IPC. This FIR is dated 30.3.2006. The title of the flat vests in the petitioners. Police have sealed the flat and handed over keys to the society, that is the statement made by the learned APP, upon instructions of the officer

present.

3. We, do not want to go into the dispute and the allegations made in the FIR, but, on the face of it, it is clear that this is not a case where we should give our decision regarding the correctness or otherwise of the FIR. The remedies are available to the petitioners at appropriate stage.

4. This petition can be disposed of with the direction that in the background and in the facts and circumstances of this case, the arrest of the petitioners is not found necessary, and, even if they are arrested under those Sections, the police will release the petitioners on bail, immediately.

5. The society will be at liberty to hand over possession to the petitioners if they are so willing.

6. Petitioners to give cooperation to the police in investigation of the matter.

7. Petition disposed of accordingly.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)